

NIXON PEABODY LLP
Christopher M. Desiderio
55 W. 46th Street
New York, New York 10036
Telephone: (212) 940-3000
Facsimile: (212) 940-3111
cdesiderio@nixonpeabody.com

Special Counsel for the Debtor

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:	:	Chapter 11
	:	
THE ROMAN CATHOLIC DIOCESE OF	:	Case No. 20-12345 (MG)
ROCKVILLE CENTRE, NEW YORK,	:	
	:	
Debtor. ¹	:	

***AMENDED NOTICE OF THIRTY-SEVENTH MONTHLY FEE STATEMENT
OF NIXON PEABODY LLP FOR COMPENSATION
FOR SERVICES RENDERED AND REIMBURSEMENT
OF EXPENSES INCURRED AS COUNSEL TO THE DEBTOR
FOR THE PERIOD FROM NOVEMBER 1, 2023, THROUGH NOVEMBER 30, 2023***

Name of Applicant:	Nixon Peabody LLP
Authorized to Provide Services to:	The Roman Catholic Diocese of Rockville Centre, New York
Date of Retention:	December 10, 2020, <i>nunc pro tunc</i> to October 1, 2020
Period for Which Compensation and Expense Reimbursement is Sought:	November 1, 2023, through November 30, 2023 ²

¹ The Debtor in this chapter 11 case is The Roman Catholic Diocese of Rockville Centre, New York, the last four digits of its federal tax identification number are 7437, and its mailing address is 50 North Park Avenue, P.O. Box 9023, Rockville Centre, NY 11571-9023.

² This Amended Fee Statement for the period November 1, 2023 to November 30, 2023 amends the original Fee Statement filed at ECF No. 2709, and incorporates the 50% holdback for professional fees as required under the *Order Regarding Holdback on Professional Fees*, [ECF No. 2743].

Amount of Compensation Requested: \$20,247.00

Less 50% Holdback: \$10,123.50

Net of Holdback: \$10,123.50

Amount of Expense Reimbursement Requested: \$ 26.46

**Total Compensation (Net of Holdback) and
Expense Reimbursement Requested:** **\$10,149.96**

This is a X Monthly Interim Final Fee Statement.

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In accordance with the *Order Authorizing Procedures for Interim Compensation and Reimbursement of Expenses of Professionals*, entered on November 4, 2020 [Docket No. 129] (the “Interim Compensation Order”),³ and the *Order Regarding Holdback on Professional Fees*, [ECF No. 2743], Nixon Peabody LLP (“Nixon Peabody”) hereby submits this amended thirty-seventh monthly fee statement (the “Amended Thirty-seventh Monthly Fee Statement”), seeking compensation for services rendered and reimbursement of expenses incurred as special counsel to the Debtor, for the period from November 1, 2023, through November 30, 2023 (the “Thirty-seventh Monthly Fee Period”). By this Amended Thirty-seventh Monthly Fee Statement, Nixon Peabody seeks payment in the amount of \$10,149.96, which comprises (i) 50% of the total amount of compensation sought for actual and necessary services rendered during the Thirty-seventh Monthly Fee Period and (ii) reimbursement of 100% of actual and necessary expenses incurred in connection with such services.

SERVICES RENDERED AND EXPENSES INCURRED

1. Attached hereto as **Exhibit A** is a summary of Nixon Peabody professionals by individual, setting forth the (a) name and title of each individual who provided services during the Thirty-seventh Monthly Fee Period, (b) aggregate hours spent by each individual, (c) hourly billing rate for each such individual at Nixon Peabody’s then-current billing rates, (d) amount of fees earned by each Nixon Peabody professional, and (e) year of bar admission for each attorney.

2. Attached hereto as **Exhibit B** is a summary of the services rendered and compensation sought, by project category, for the Thirty-seventh Monthly Fee Period.

³ Capitalized terms not otherwise defined herein shall have the meanings ascribed to such terms in the Interim Compensation Order.

3. Attached hereto as **Exhibit C** is a summary of expenses incurred and reimbursement sought, by expense type, for the Thirty-seventh Monthly Fee Period.

4. Attached hereto as **Exhibit D** is a copy of the Nixon Peabody invoices for the Thirty-seventh Monthly Fee Period.

NOTICE AND OBJECTION PROCEDURES

5. Notice of this Amended Thirty-seventh Monthly Fee Statement shall be given to the following parties (collectively, the “Notice Parties”): (i) The Roman Catholic Diocese of Rockville Centre, 50 N. Park Avenue, P.O. Box 9023, Rockville Centre, NY 11571-9023 Attn: Thomas Renker, Email: trenker@drvc.com; (ii) counsel to the Debtor, Jones Day, 250 Vesey Street, New York, NY 10281 Attn: Corinne Ball, Esq., Email: cball@jonesday.com, Benjamin Rosenblum, Esq., Email: brosenblum@jonesday.com, and Andrew M. Butler, Esq., Email: abutler@jonesday.com; (iii) counsel to the Committee: Pachulski Stang Ziehl and Jones LLP, 780 Third Avenue, 36th Floor, New York, NY, 10017, Attn: Ilan D. Scharf, Esq., Email: ischarf@pszjlaw.com, Karen B. Dine, Esq., Email: kdine@pszjlaw.com, and Brittany M. Michael, Esq., Email: bmichael@pszjlaw.com; and (iv) the Office of the United States Trustee, U.S. Federal Office Building, 201 Varick Street, Suite 1006, New York, NY 10014, Attn: Greg Zipes, Email: Greg.Zipes@usdoj.gov, and Shara Cornell, Email: Shara.Cornell@usdoj.gov.

6. Objections to this Amended Thirty-seventh Monthly Fee Statement, if any, must be served via electronic mail upon the Notice Parties and Nixon Peabody LLP, 55 W. 46th Street, New York, NY 10036 Attn: Christopher M. Desiderio (cdesiderio@nixonpeabody.com) no later than 15 days after service and filing at 5:00 p.m. (prevailing Eastern Time) (the “Objection Deadline”), setting forth the nature of the objection and the specific amount of fees or expenses at issue.

7. If no objections to this Amended Thirty-seventh Monthly Fee Statement are received by the Objection Deadline, the Debtor shall promptly pay Nixon Peabody 50% of the fees and 100% of the expenses identified in this Amended Thirty-seventh Monthly Fee Statement.

8. To the extent that an objection to this Amended Thirty-seventh Monthly Fee Statement is received on or before the Objection Deadline, the Debtor shall withhold payment of that portion of this Amended Thirty-seventh Monthly Fee Statement to which the objection is directed and promptly pay the remainder of the fees and expenses in the percentages set forth above. To the extent such an objection is not resolved, it shall be preserved and scheduled for consideration at the next interim fee application hearing.

Dated: January 24, 2024
New York, NY

/s/ Christopher M. Desiderio
NIXON PEABODY LLP
Christopher M. Desiderio
55 W. 46th Street
New York, NY 10036
Telephone: (212) 940-3000
Facsimile: (212) 940-3111
Email: cdesiderio@nixonpeabody.com

Special Counsel to the Debtor

EXHIBIT A

PROFESSIONAL PERSON SUMMARY

NOVEMBER 1, 2023 – NOVEMBER 30, 2023

<u>NAME</u>	<u>YEAR OF ADMISSION</u>	<u>RATE</u>		<u>HOURS</u>	<u>AMOUNT</u>
<u>PARTNER</u>					
Christopher Porzio	1997	\$860.00		0.60	\$516.00
Lindsay Maleson	2003	\$875.00		6.20	\$5,425.00
Tina Sciocchetti	2011	\$790.00		1.00	\$790.00
TOTAL PARTNER:				7.80	\$6,731.00
<u>COUNSEL</u>					
Christopher Desiderio	2005	\$850.00		1.30	\$1,105.00
Michal Cantor	2015	\$690.00		6.60	\$4,554.00
TOTAL COUNSEL:				7.90	\$5,659.00
<u>ASSOCIATE</u>					
Zachary Osinski	2018	\$600.00		3.10	\$1,860.00
Jack Murray	2020	\$750.00		6.30	\$4,725.00
TOTAL ASSOCIATE:				9.40	\$6,585.00
<u>LEGAL SUPPORT</u>					
Sharon Willier	n/a	\$340.00		2.80	\$952.00
Sara Graves	n/a	\$320.00		1.00	\$320.00
TOTAL LEGAL SUPPORT:				3.80	\$1,272.00
TOTAL:				28.90	\$20,247.00

EXHIBIT B

COMPENSATION BY PROJECT CATEGORY⁴

NOVEMBER 1, 2023 – NOVEMBER 30, 2023

PROJECT CATEGORY	TOTAL HOURS	TOTAL FEES
000001	14.50	\$9,759.00
000011	2.70	\$2,085.00
000122	4.10	\$2,650.00
000125	1.60	\$1,394.00
000163	2.20	\$1,610.50
000167	3.00	\$2,070.00
000181	0.80	\$678.50
TOTAL	28.90	\$20, 247.00

⁴ Due to the confidential and sensitive nature of Nixon Peabody's engagement, only the matter numbers have been provided without the name of the applicable investigation or other matter.

EXHIBIT C

EXPENSE SUMMARY

NOVEMBER 1, 2023 – NOVEMBER 30, 2023

EXPENSE CATEGORY	TOTAL EXPENSES
Federal Express Charges	\$26.46
TOTAL	\$26.46

EXHIBIT D

TIME DETAIL

[Please see attached.]



FEDERAL I.D. NO. 16-0764720

NIXON PEABODY
ATTORNEYS AT LAW

NIXONPEABODY.COM
@NIXONPEABODYLLP

275 Broadhollow Road
Suite 300
Melville, NY 11747-4808
TEL: (516) 832-7500
FAX: (516) 832-7555

Thomas Renker, Esq.
General Counsel
Diocese of Rockville Centre
PO Box 9023
Rockville Centre, NY 11570-9023

December 6, 2023
Invoice No. 10533510
Account: 002787
Terms: Due Upon Receipt

FOR PROFESSIONAL SERVICES RENDERED through November 30, 2023, including:

MATTER NO.: 000001 GENERAL

For Professional Fees:

Date	Timekeeper	Hours	Description of Services
GEN_ADV: General Advice			
11/01/23	C. Desiderio	1.30	Attend hearing regarding dismissal and case status.
11/13/23	L. Maleson	0.10	Attention to audit.
11/14/23	L. Maleson	0.30	Provide edits to audit letter.
11/14/23	M. Cantor	0.30	Revise audit letter.
11/16/23	S. Graves	1.00	Prepare audit letter response.
11/16/23	L. Maleson	0.10	Attention to finalizing audit letter.
11/28/23	L. Maleson	0.20	Review first amended plan of reorganization.
Task Total: General Advice		3.30	Task Fees: 2,244.50

PREP_FS: Preparation of Fee Statements

11/06/23	J. Murray	0.40	Draft and revise Interim Fee Application.
11/06/23	L. Maleson	0.30	Review and respond to S. Willier's questions regarding privilege and confidentiality.
11/06/23	S. Willier	0.90	Review and revise October 2023 time detail for confidentiality and privilege.
11/07/23	S. Willier	0.40	Further review and revise October 2023 time detail for confidentiality and privilege.
11/07/23	J. Murray	1.10	Draft and revise Fee Application.
11/08/23	L. Maleson	0.70	Review and revise October time detail.
11/08/23	J. Murray	3.00	Draft and revise 9th Interim Fee Application (2.5). Telephone call with Billing team (0.2). Attention to Certificate of No Objection (0.3).

11/09/23	J. Murray	0.30	Attention to 9th Interim Fee Application.	
11/09/23	L. Maleson	0.20	Exchange e-mail about finalizing time detail.	
11/12/23	L. Maleson	0.10	Review and revise 9th interim fee statement.	
11/13/23	L. Maleson	0.10	Send draft interim statement to client for review.	
11/13/23	J. Murray	0.40	Draft and revise 9th Interim Fee Application.	
11/14/23	J. Murray	0.40	Attention to 9th Interim Fee Application.	
11/14/23	L. Maleson	0.40	Work with staff on finalizing rates and time detail. Send final draft to client for review.	
11/14/23	S. Willier	1.50	Draft 36th Monthly Fee Statement and Exhibits A-D.	
11/15/23	J. Murray	0.20	Attention to Monthly Fee Statement.	
11/16/23	L. Maleson	0.30	Attention to budget and staffing plan.	
11/27/23	J. Murray	0.20	Correspond with Billing team regarding request from US Trustee.	
11/28/23	J. Murray	0.30	Attention to request from US Trustee for LEDES data.	
Task Total: Preparation of Fee Statements		11.20		Task Fees: 7,514.50

TOTAL HOURS: 14.50

TOTAL FEES: **\$9,759.00**

TIMEKEEPER SUMMARY

<u>Timekeeper</u>	<u>Rate</u>	<u>Hours</u>	<u>Fees</u>
<u>Partners</u>			
L. Maleson	875.00	2.80	2,450.00
<u>Counsel</u>			
C. Desiderio	850.00	1.30	1,105.00
M. Cantor	690.00	0.30	207.00
Counsel Totals		1.60	1,312.00
<u>Associates</u>			
J. Murray	750.00	6.30	4,725.00
<u>Paralegals</u>			
S. Willier	340.00	2.80	952.00
<u>Legal Assistant</u>			
S. Graves	320.00	1.00	320.00
Total All Timekeepers:		<u>14.50</u>	<u>\$9,759.00</u>

TOTAL FOR MATTER -- GENERAL: **\$9,759.00**

MATTER NO.: 000011

NOTIFICATIONS TO DISTRICT ATTORNEYS

For Professional Fees:

<u>Date</u>	<u>Timekeeper</u>	<u>Hours</u>	<u>Description of Services</u>
11/03/23	L. Maleson	0.40	Review background information and consider reportability of new matter (0.2). Respond to client regarding the same (0.1). Confer with M. Cantor (0.1).
11/06/23	L. Maleson	0.30	Review and revise District Attorney reporting letter.
11/06/23	M. Cantor	0.50	Draft reporting letter to the District Attorney.
11/08/23	L. Maleson	0.10	Review message from District Attorney regarding reporting letter. Send the same to client.
11/17/23	M. Cantor	0.10	Review information from the client regarding potential District Attorney report.
11/19/23	L. Maleson	0.10	Review and comment on reporting letter.
11/19/23	M. Cantor	0.20	Draft District Attorney report.
11/28/23	L. Maleson	0.20	Confer with M. Cantor regarding reporting ASA claim (0.1). E-mails with client regarding the same (0.1).
11/28/23	M. Cantor	0.30	Review allegations to assess for reporting.
11/28/23	M. Cantor	0.10	Send email to the client regarding potential report.
11/30/23	L. Maleson	0.10	Review and comment on District Attorney letter.
11/30/23	M. Cantor	0.30	Draft District Attorney reporting letter.

TOTAL HOURS: 2.70

TOTAL FEES: \$2,085.00

TIMEKEEPER SUMMARY

<u>Timekeeper</u>	<u>Rate</u>	<u>Hours</u>	<u>Fees</u>
<u>Partners</u>			
L. Maleson	875.00	1.20	1,050.00
<u>Counsel</u>			
M. Cantor	690.00	1.50	1,035.00
Total All Timekeepers:		<u>2.70</u>	<u>\$2,085.00</u>

TOTAL FOR MATTER -- NOTIFICATIONS TO DISTRICT ATTORNEYS: \$2,085.00

MATTER NO.: 000122

ATTORNEY GENERAL INVESTIGATION

Client Reference: CL#DRC10021

For Professional Fees:

<u>Date</u>	<u>Timekeeper</u>	<u>Hours</u>	<u>Description of Services</u>
11/02/23	Z. Osinski	0.50	Correspondence with team regarding bankruptcy and settlement issues.
11/09/23	T. Sciocchetti	1.00	Attend common interest telephone conferences with diocesan counsel (0.4). Document common interest telephone conferences (0.4) and share summary with client (0.1). Review communications with client (0.1).
11/17/23	Z. Osinski	0.60	Review updates to common interest research (0.5) and correspondence with team regarding same (0.1).
11/29/23	Z. Osinski	0.80	Correspondence with team regarding updates to common interest research (0.1); review and analyze recent news articles regarding same (0.7).
11/30/23	Z. Osinski	1.20	Review and analyze updates to common interest research.
TOTAL HOURS:		4.10	

TOTAL FEES: \$2,650.00

TIMEKEEPER SUMMARY

<u>Timekeeper</u>	<u>Rate</u>	<u>Hours</u>	<u>Fees</u>
<u>Partners</u>			
T. Sciocchetti	790.00	1.00	790.00
<u>Associates</u>			
Z. Osinski	600.00	3.10	1,860.00
Total All Timekeepers:		4.10	\$2,650.00

TOTAL FOR MATTER -- ATTORNEY GENERAL INVESTIGATION: \$2,650.00

MATTER NO.: 000125

PERSON # 6

For Professional Fees:

<u>Date</u>	<u>Timekeeper</u>	<u>Hours</u>	<u>Description of Services</u>
11/10/23	C. Porzio	0.40	Review e-mail from Client forwarding communication from another Diocese (0.2). E-mails with L. Maleson regarding same (0.2).
11/10/23	L. Maleson	0.40	Review C. Porzio's e-mail regarding history of conversations with counsel for potential plaintiff and client's current request to reach out to another diocese (0.1). Confer with C. Porzio regarding the same (0.2). Respond to client (0.1).
11/11/23	L. Maleson	0.20	Write to counsel for another Diocese at request of Client.
11/15/23	L. Maleson	0.10	Exchange e-mail with counsel for another Diocese.
11/16/23	L. Maleson	0.50	Telephone conference with in-house lawyer for another diocese (0.3). Update client by e-mail (0.2).

TOTAL HOURS: 1.60

TOTAL FEES: \$1,394.00

TIMEKEEPER SUMMARY

<u>Timekeeper</u>	<u>Rate</u>	<u>Hours</u>	<u>Fees</u>
<u>Partners</u>			
C. Porzio	860.00	0.40	344.00
L. Maleson	875.00	1.20	1,050.00
Partners Totals		1.60	1,394.00
Total All Timekeepers:		1.60	\$1,394.00

TOTAL FOR MATTER -- PERSON # 6: \$1,394.00

MATTER NO.: 000163

PERSON # 12

For Professional Fees:

<u>Date</u>	<u>Timekeeper</u>	<u>Hours</u>	<u>Description of Services</u>
11/19/23	L. Maleson	0.50	Review and revise draft meeting minutes.
11/19/23	M. Cantor	1.60	Draft DRB meeting minutes.
11/21/23	M. Cantor	0.10	Review L. Maleson's revisions to DRB meeting minutes.

TOTAL HOURS: 2.20

TOTAL FEES: \$1,610.50

TIMEKEEPER SUMMARY

<u>Timekeeper</u>	<u>Rate</u>	<u>Hours</u>	<u>Fees</u>
<u>Partners</u>			
L. Maleson	875.00	0.50	437.50
<u>Counsel</u>			
M. Cantor	690.00	1.70	1,173.00
Total All Timekeepers:		2.20	\$1,610.50

For Charges and Disbursements:

<u>Date</u>	<u>Description</u>	<u>Amount</u>
11/01/23	Federal Express; Date 11/01/2023; Shipped by DRB member to Nixon Peabody LLP 275 Broadhollow Road MELVILLE NY 11747 US	26.46

TOTAL CHARGES AND DISBURSEMENTS **\$26.46**

TOTAL FOR MATTER -- PERSON # 12: **\$1,636.96**

MATTER NO.: 000167

PERSON # 14

For Professional Fees:

<u>Date</u>	<u>Timekeeper</u>	<u>Hours</u>	<u>Description of Services</u>
11/01/23	M. Cantor	3.00	Review and revise client provided document.

TOTAL HOURS: 3.00

TOTAL FEES: \$2,070.00

TIMEKEEPER SUMMARY

<u>Timekeeper</u>	<u>Rate</u>	<u>Hours</u>	<u>Fees</u>
<u>Counsel</u>			
M. Cantor	690.00	3.00	2,070.00
Total All Timekeepers:		3.00	\$2,070.00

TOTAL FOR MATTER -- PERSON # 14: **\$2,070.00**

MATTER NO.: 000181

PERSON # 61

For Professional Fees:

<u>Date</u>	<u>Timekeeper</u>	<u>Hours</u>	<u>Description of Services</u>
11/07/23	C. Porzio	0.20	E-mails with Nixon Peabody and DRVC teams regarding law enforcement update and whether Person # 61 has identified legal counsel.
11/07/23	L. Maleson	0.40	Receive call from detective (0.1). Review records regarding responding to the same (0.1). Write to client (0.1). Review client responses (0.1).
11/07/23	M. Cantor	0.10	Review files to determine whether Person # 61 has counsel.
11/08/23	L. Maleson	0.10	Respond to law enforcement question.
TOTAL HOURS:		0.80	

TOTAL FEES: \$678.50

TIMEKEEPER SUMMARY

<u>Timekeeper</u>	<u>Rate</u>	<u>Hours</u>	<u>Fees</u>
<u>Partners</u>			
C. Porzio	860.00	0.20	172.00
L. Maleson	875.00	0.50	437.50
Partners Totals		0.70	609.50
<u>Counsel</u>			
M. Cantor	690.00	0.10	69.00
Total All Timekeepers:		0.80	\$678.50

TOTAL FOR MATTER -- PERSON # 61: \$678.50

Nixon Peabody LLP
Invoice # 10533510 Page 9

Total Fees.....	\$	20,247.00
Total Charges and Disbursements	\$	<u>26.46</u>
Total Time and Costs	\$	<u>20,273.46</u>
TOTAL FOR STATEMENT:		<u>\$20,273.46</u>